

REMARKS

The Office Action mailed December 23, 2010, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Office Action and therefore is believed to be timely without extension of time. Accordingly, Applicant respectfully submits that this response is being timely filed.

Claims 2-43 were pending in the present application prior to the above amendment. Claims 5-11, 20-22, 25-28, 31, 32, 36-38, 40, 41 and 43-52 are canceled without prejudice or disclaimer, claims 2, 3, 23 and 29 are amended, and new claims 53-58 are added to recite additional protection to which Applicant is entitled. Accordingly, claims 2-4, 12-19, 23, 24, 29, 30, 33-35, 39, 42 and 53-58 are now pending in the present application, of which claims 2, 12, 17, 23, 29, 33, 53 and 56 are independent. Claims 12-19, 33 and 34 have been withdrawn from consideration by the Examiner. Accordingly, claims 2-4, 23, 24, 29, 30, 35, 39, 42 and 53-58 are currently elected, of which claims 2, 23, 29, 53 and 56 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 (second occurrence) of the Office Action rejects claims 2, 4, 23 and 29 under the doctrine of obviousness-type double patenting over claims 1-10 of U.S. Patent No. 7,466,293 to Yamauchi. Paragraph 3 (second occurrence) of the Office Action rejects claims 5-11, 22, 24, 25, 26, 28 and 30-32 under the doctrine of obviousness-type double patenting over the combination of claims 1-10 of Yamauchi '293 and U.S. Patent No. 4,040,073 to Luo. Paragraph 4 of the Office Action rejects claims 2-4, 23, 25 and 29 under the doctrine of obviousness-type double patenting over claims 1-18 of U.S. Patent No. 6,879,309 to Yamauchi. Paragraph 5 of the Office Action rejects claims 22, 24, 28 and 30 under the doctrine of obviousness-type double patenting over the combination of claims 1-18 of Yamauchi '309 and Luo. Applicant respectfully submits that the independent claims of the subject application are patentably distinct from the claims of Yamauchi '293 or Yamauchi '309, either alone or in combination with Luo.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent.

Applicant respectfully traverses the obviousness-type double patenting rejection. Independent claim 2 of the present application recites a second thin film transistor comprising at least two thin film transistors. Independent claims 23 and 29 recite a current control element comprising at least two thin film transistors. Claims 2, 23 and 29 recite that the at least two thin film transistors and the electroluminescence element are connected in series. The claims of Yamauchi '293 or Yamauchi '309, either alone or in combination with Luo, do not teach or suggest the above-referenced features of the present independent claims.

The Office Action contains a number of statements on the record that are unclear and confusing. For example, at page 3, line 13, the Office Action identifies U.S. Patent No. 7,466,293 to Yamauchi. However, the Office Action subsequently refers to “(603)” at page 3, lines 14 and 18, at page 4, line 12 and 15, at page 5, line 11, at page 6, line 20. To the extent that the Office Action is referring to a '603 reference, it is not clear what reference this might be. To the extent that the Office Action is referring to “gate signal side driving circuit 603” in Figure 11, the Examiner is reminded that the specification and drawings of the patent principally underlying the double patenting rejection are not considered prior art and should not form the basis of an obviousness-type double patenting rejection. As such, the description of gate signal side driving circuit 603 in the specification and drawings should not be relied upon when ascertaining whether the present claims constitute double patenting.

Also, it is not clear what is meant by “(391)” at page 8, line 13, and at page 9, lines 7 and 13.

Further, it is not clear why the present rejections are referred to as “provisional,” when they appear to be based on issued U.S. Patents.

In any event, the claims of Yamauchi '293 or Yamauchi '309, either alone or in combination with Luo, do not teach or suggest a second thin film transistor or a current control element comprising at least two thin film transistors, where the at least two thin film transistors and the electroluminescence element are connected in series.

It is respectfully submitted that the claims of the present application are not a timewise extension of the invention as claimed in the Yamauchi '293 or Yamauchi '309 patent, either alone or in combination with Luo. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

Paragraph 6 of the Office Action rejects claims 2-11 and 20-32 under the doctrine of obviousness-type double patenting over claims 1-18 of U.S. Patent No. 7,642,559 to

Yamazaki. In response, a *Terminal Disclaimer* is submitted herewith. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

New claims 53-58 have been added to recite additional protection to which Applicant is entitled. The features of claims 53 and 56 are supported in the present specification, for example, by Figures 21A-21B, and Embodiment 11, paragraph [0243] of the pre-grant publication of the present application, i.e. U.S. Publication No. 2004-0065902, which discloses, for example, that “it is preferable for the power source control TFT 4706 to have the same structure as the current control TFT 4704, or for both to be formed in series by the same active layer.” For the reasons stated above and already of record, the Applicant respectfully submits that new claims 53-58 are in condition for allowance.

In view of the foregoing, Applicant respectfully requests allowance of the instant application. If a conference would be helpful in expediting prosecution of the instant application, the Examiner is invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,
NIXON PEABODY LLP

/Jeffrey L. Costellia #35483/
Jeffrey L. Costellia
Registration No. 35,483

NIXON PEABODY LLP
401 9th Street, N.W., Suite 900
Washington, D.C. 20004
(202) 585-8000